

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

B5225
B5225

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

ALASKA GAME COMMISSION
JUNEAU, ALASKA

LAWS AND REGULATIONS RELATING TO GAME
LAND FUR-BEARING ANIMALS
AND BIRDS IN ALASKA

1928-29



CIRCULAR No. 5

ISSUED MAY, 1928

REGULATIONS CONTAINED HEREIN SHOULD NOT BE RELIED
UPON AS CORRECT AFTER JULY 1, 1929

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1928

PERSONNEL OF ALASKA GAME COMMISSION

— — — — ; *First Judicial Division.*
JENS C. WIDSTEAD, *Nome; Second Judicial Division.*
WILLIAM H. CHASE, *Cordova; Third Judicial Division.*
IRVING MCK. REED, *Fairbanks; Fourth Judicial Division.*
HUGH W. TERHUNE, *Juneau; Executive Officer, Fiscal Agent, and Secretary;*
Chief Representative of Bureau of Biological Survey Resident in Alaska.

II

ADDITIONAL COPIES

OF THIS PUBLICATION MAY BE PROCURED FROM
THE SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.
AT
5 CENTS PER COPY

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

ALASKA GAME COMMISSION
JUNEAU, ALASKA

CIRCULAR NO. 5

LAWS AND REGULATIONS RELATING TO GAME,
LAND FUR-BEARING ANIMALS, AND BIRDS, IN
ALASKA

CONTENTS

	Page
Alaska game law-----	1
Regulations respecting game animals, land fur-bearing animals, game birds, non-game birds, and nests and eggs of birds, in Alaska-----	9
Regulations of the Alaska Game Commission relating to guides, poisons, and resident trapping licenses-----	21
Bird refuges in Alaska-----	23
Lacey Act, regulating interstate commerce in game-----	24
Law protecting wild animals and birds and their eggs on Federal refuges-----	25
Regulations restricting hunting on national forests-----	25
Provisions of the tariff act regulating importation of plumage, game, etc-----	26
Extracts from Territorial acts relating to fur and game:	
Wanton destruction and waste of game-----	27
Transfer and protection of deer and goats-----	27
Stocking program and protection of animals transferred-----	28
Blue-fox marking-----	28

The Alaska game law (act of January 13, 1925; 43 Stat. 739) and the regulations thereunder supersede all previous Federal laws and regulations for the protection of game animals, land fur-bearing animals, and birds in the Territory, except the migratory-bird treaty act of July 3, 1918 (40 Stat. 755), the Lacey Act of May 25, 1900, as amended (31 Stat. 187-188; 35 Stat. 1137), and the law protecting animals and birds on Federal refuges (43 Stat. 98), and the regulations thereunder.

ALASKA GAME LAW

ACT OF JANUARY 13, 1925

[43 Stat. 739]

AN ACT To establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds, in Alaska, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known by the short title of the "Alaska Game Law."

SEC. 2. DEFINITIONS.—That for the purposes of this Act the following shall be construed, respectively, to mean:

Commission: The Alaska Game Commission.

Territory: Territory of Alaska.

Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take: Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, land fur-bearing animals, game or nongame birds, attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals or birds, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds or nests or eggs of birds is permitted, reference is had to taking by lawful means and in lawful manner.

Open season: The time during which birds or animals may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

Close season: The time during which birds and animals may not be taken.

Transport: Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

Game animals: Deer, moose, caribou, elk, mountain sheep, mountain goat, and the large brown and grizzly bears, which shall be known as big game.

Land fur-bearing animals: Beaver, muskrat, marmot, ground squirrel (spermophiles), fisher, fox, lynx, marten or sable, mink, weasel or ermine, land otter, wolverine, polar bear, and black bear, including its brown and blue (or glacier bear) color variations.

Game birds: Migratory waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, sandpipers, snipe, little brown cranes, and curlew, and the several species of grouse and ptarmigan, which shall be known as small game.

Nongame birds: All wild birds except game birds.

SEC. 3. APPLICATION AND CONSTRUCTION.—That for the purposes of this act a citizen of the United States who has been domiciled in the Territory not less than one year for the purpose of making his permanent home therein, or a foreign-born person not a citizen of the United States who has declared his intention to become a citizen of the United States, and has been domiciled in the Territory for a like period and purpose, shall be considered a resident; but if such a foreign-born person shall not have been admitted to citizenship within seven years from the date he declared his first intention to become a citizen, he shall thereafter be deemed to be an alien until admitted to citizenship. A foreign-born person not a citizen of the United States who has not declared his intention to become a citizen of the United States, or who has not resided in the Territory for at least one year after having declared such intention, shall be considered an alien.

That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or parts thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 4. ALASKA GAME COMMISSION CREATED.—That a commission to be known as the "Alaska Game Commission" is hereby created. The commission shall consist of five members, four of whom shall be appointed by the Secretary of Agriculture within sixty days after the passage of this act, one member from each of the four judicial divisions of the Territory, each of whom shall be a resident citizen of the district from which he is appointed, and shall before his appointment have been for five years a resident of Alaska and shall not be a Federal employee, and all of whom shall serve until June 30 next following and thereafter one to serve one year, one to serve two years, one to serve three years, and one to serve four years, as the members of the commission may determine by lot, and thereafter their successors to be appointed in like manner to serve for four years unless sooner removed. The fifth member shall be the chief representative of the Bureau of Biological Survey resident of Alaska, who shall be the executive officer and fiscal agent of the commission and under the direction of the commission shall direct the administration of the provisions of this Act and disburse such sums as may be allotted therefor.

The Secretary of Agriculture may remove a commissioner for inefficiency, neglect of duty, or misconduct in office, by giving him a copy of the charges against him and opportunity to be publicly heard in person or by counsel in his own defense; pending the investigation of the charges the Secretary may suspend such commissioner. The Secretary of Agriculture shall fill vacancies on the commission by appointment for the unexpired term, and a vacancy shall be filled by appointment from the same judicial division in which it occurs. The office of any commissioner shall be vacant upon his removing his residence from the judicial division from which he was appointed.

That the members of the commission, other than the executive officer, shall receive no compensation for their services as members thereof, except a per diem of \$10 for each member for each day going to and from and in actual attendance at meetings of the commission, but the total salary or per diem compensation of the member from the second judicial division shall not exceed the sum of \$1,500, and that of any of the other members, except the executive officer, the sum of \$900 in any one fiscal year, and each such member in addition shall have reimbursed to him in any one fiscal year for actual and necessary traveling and subsistence expenses incurred or made in the discharge of his official duties a sum not to exceed the maximum amount allowed him for salary, which shall be paid on proper vouchers from the appropriation for the enforcement of the Alaska game law. The executive officer shall be paid his salary and shall have reimbursed to him all actual and necessary traveling and other expenses and disbursements in accordance with the fiscal regulations of the Department of Agriculture, payable from the appropriation for the enforcement of the Alaska game law and from such other appropriations for the work of the Bureau of Biological Survey in the Territory as the Secretary of Agriculture may designate.

That the commission shall maintain and have its principal office in the capital of the Territory. The members of the commission shall meet at such principal office immediately following their appointment at a time designated by the Secretary of Agriculture, and shall organize by electing one member chairman and one member secretary, and shall determine by lot the terms of the members, other than the term of the executive officer.

That a majority of the members shall constitute a quorum for the transaction of business. All investigations, inquiries, hearings, and decisions of a commissioner shall be deemed to be the investigations, inquiries, hearings, and decisions of the commission, when approved by it and entered by it in its minutes, and every order made by a commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the order of the commission. The commission shall have an official seal.

SEC. 5. DUTIES AND POWERS OF THE COMMISSION, WARDENS, AND OFFICERS.—That the commission shall have authority to employ and remove game wardens, deputies, clerks, and such other assistants as may be necessary, to fix their periods of service and compensation, to rent quarters, and to incur other expenses, including printing, necessary for the enforcement of this act and for which appropriation has been made; but, subject to review by the commission, the executive officer may suspend or remove any game warden or other employee for cause, including insubordination.

That each member of the commission, any warden, any person appointed by the Secretary of Agriculture or by the commission to enforce this act, any Forest Service employee, marshal, deputy marshal, collector or deputy collector of customs, officer of a Coast Guard vessel, special officer of the Department of Justice, or licensed guide shall have power, in or out of the Territory, and it shall be his duty, to arrest without warrant any person committing a violation of this act in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; he shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and he shall have authority, with a search warrant, to search any place at any time. Any officer or employee empowered to enforce this act shall have with respect to camps and vessels of the United States like authority and powers of search as are conferred with respect to such vessels upon wardens appointed by the Secretary of Agriculture for the protection of land fur-bearing animals in Alaska, by the act of June 30, 1921 (Forty-first Statutes at Large, page 694, at page 716). The several judges of the courts

established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All guns, traps, nets, boats, dogs, sleds, and other paraphernalia used in or in aid of a violation of this act may be seized, and all animals, birds, or parts thereof, or nests or eggs of birds taken, transported or possessed contrary to the provisions of this act shall be seized within or outside the Territory by any officer or person authorized to enforce this act, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, transported, or possessed in violation of this act, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission. Any property, animals, birds, or parts thereof, or nests or eggs of birds seized by a licensed guide shall be safely held and promptly delivered by him to the commission, a game warden, or to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury and the Postmaster General, upon request of the Secretary of Agriculture, to aid in carrying out the provisions of this act.

SEC. 6. BOND OF COMMISSIONERS.—That before entering upon the duties of his office, each member of the commission, other than the executive officer, shall execute and file with the Secretary of Agriculture a bond to the people of the United States in the sum of \$1,000, with sufficient sureties, and the executive officer shall so file such a bond in the sum of \$20,000, and each game warden or other person authorized by the commission to sell licenses shall so file such a bond in the sum of \$500, conditioned for the faithful performance of their respective duties, and for the proper accounting and paying over, pursuant to law, of all moneys or property received by them, respectively. Each member of the commission and each of such game wardens or other persons shall have reimbursed to him on proper voucher the premium paid by him on his bond.

SEC. 7. ESTIMATES AND REPORTS.—That the commission on or before the 15th day of July of each year, shall file with the Secretary of Agriculture a detailed estimate of the appropriation necessary for the service during the following fiscal year, and on or before the 1st day of October of each year shall submit a detailed report to him covering the administration of the law, including all expenditures and other operations for the preceding fiscal year, and such estimates shall be subject to revision by him.

SEC. 8. TAKING OF ANIMALS AND BIRDS RESTRICTED.—That, unless and except as permitted by this act or by regulations made pursuant to this act, it shall be unlawful for any person to take, possess, transport, sell, offer to sell, purchase, or offer to purchase any game animal, land fur-bearing animal, wild bird, or any parts thereof, or any nest or egg of any such bird, or, except under regulations of the Secretary of Agriculture, to molest, damage, or destroy beaver or muskrat houses: *Provided*, That nothing in this act shall be construed to prevent the collection or exportation of animals, birds, parts thereof, or nests or eggs of birds for scientific purposes, or of live animals, birds, or eggs of birds, for propagation or exhibition purposes, under a permit issued by the Secretary of Agriculture and under such regulations as he may prescribe. Land fur-bearing or game animals which escape from captivity, unless recaptured by their owners, and all fur and game animals hereafter introduced into Alaska are declared to be wild fur-bearing or game animals and shall be subject to the provisions of this act.

SEC. 9. POISON, USE PROHIBITED.—That no person shall at any time use any poison to kill any animal or bird protected by this act or put out poison or a poisoned bait where any such animal or bird may come in contact with it; but a game warden or predatory animal hunter employed by or under the direction of the commission may use poison to kill wolves, coyotes, or wolverines, under such regulations as the commission may adopt; and no person shall sell or give any strychnine or other poison designated by the commission to any hunter or trapper, including native Indians or Eskimos who hunt or trap. No hunter or trapper, including native Indians or Eskimos who hunt and trap, shall have any strychnine or other poison designated by the commission in his possession, and any such poison found in the possession of any such person shall be seized and disposed of in such manner as the commission may determine. Any person selling or otherwise disposing of any strychnine or any other poison designated by the commission shall keep a record in a special

book showing the name and address of each person purchasing or otherwise procuring it and the kind and amount thereof, which record shall at all times be open to inspection by any game warden or other officer authorized to enforce this act, and he shall transmit such information monthly to the commission.

SEC. 10. REGULATIONS.—That the Secretary of Agriculture, upon consultation with or recommendation from the commission, is hereby authorized and directed from time to time to determine when, to what extent, if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective ninety days after the date of publication thereof by the Secretary of Agriculture; but no such regulation shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat which the regulations may permit to be sold under such restrictions as the Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gauge; or to use any airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof, to the owner, master, or employee of any coastal or river steamer or commercial power or sail boat, or to procure for serving or to serve any such game animals, game birds, or parts thereof, in any cannery or other commercial mess house, or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the close season when he is in absolute need of food and other food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but the Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the close season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the migratory bird treaty act and regulations.

SEC. 11. LICENSES: SUBDIVISION A. NONRESIDENT HUNTING LICENSE.—That except as otherwise permitted by this act, or by regulation made pursuant thereto, no nonresident shall take or possess any of the animals or birds protected by this act without first having procured a nonresident hunting and trapping license as herein provided.

SUBDIVISION B. RESIDENT SHIPPING LICENSE.—That no resident of the Territory shall export any game animal or part thereof, except that he may export for mounting and return to the Territory in any one year but not for sale, not to exceed two heads or trophies of each species of game animal legally killed by him, upon first procuring a resident shipping license as herein provided, but the Secretary may, by regulation, permit a citizen of the United States, who has been a resident of the Territory for at least two years and who is removing his residence from the Territory, to export trophies of game animals legally acquired by him, upon first procuring a resident shipping license as herein provided.

SUBDIVISION C. RESIDENT HUNTING AND TRAPPING LICENSES.—That the commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting and trapping licenses authorizing them to take animals and birds protected by this act, and when such licenses shall have been required of residents the fee therefor shall be as follows: For each hunting license the sum of \$2 and for each trapping license the sum of \$2, but no such licenses shall be required of native-born Indians, Eskimos, or half-breeds who have not severed their tribal relations by adopting a civilized mode of living or by exercising the right of franchise. After the expiration of sixty days from the adoption of such regulation no resident shall take any animal or bird protected by this act without having first procured resident hunting and trapping licenses as herein provided.

SUBDIVISION D. REGISTERED GUIDE LICENSE.—That only a resident citizen or a resident native Indian or Eskimo of the Territory may act as guide for a nonresident in any section of the Territory where the commission by regulation requires nonresidents to employ guides, and he shall first register with the commission in a book which it shall keep for this purpose and procure a registered guide license as herein provided, and the commission shall determine by regulation the qualifications required of such guides. No person other than a registered guide shall act as guide for a nonresident in any section of the Territory where guides are required by regulation of the commission to be registered.

SUBDIVISION E. ALIEN SPECIAL LICENSE.—That no alien shall take any of the animals or birds protected by this act, or own or be possessed of a shotgun, rifle, or other firearm, except under an alien special license issued as herein provided.

SUBDIVISION F. REPORTS.—Each person to whom a license to take birds or animals, or to deal in furs, is issued, shall, on or before thirty days after the expiration of his license, make a written report to the commission on a form prepared and furnished by it, stating the kind and number of each species of bird or animal taken, purchased, or otherwise procured under such license. A licensee who willfully fails or neglects to make such report shall not be entitled to, nor shall he be granted, a license to take birds or animals or deal in furs for one year from the date such report is due, but no other punishment shall be imposed.

SUBSECTION G. FUR-FARM LICENSE.—That no person shall engage in the business of farming land fur-bearing animals or possess them for purposes of propagation without first having procured a fur-farm license as herein provided.

SUBDIVISION H. FUR DEALERS, LICENSES, FEES.—No person shall buy or sell the skins of fur-bearing animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur-bearing animals protected by this act without first having procured a license as herein provided, but no license shall be required of a native-born resident Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, or of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale.

The applicant for such a license shall accompany his application by the required fee, as follows:

(a) If the applicant is a resident of the Territory, the sum of \$10.

(b) If the applicant is a nonresident of the Territory, who is a citizen of the United States, or is a corporation, association, or copartnership organized under the laws of the Territory or of a State of the United States, the sum of \$250.

(c) If the applicant is an alien, or is a corporation, association, or copartnership not organized under the laws of the Territory or of a State of the United States, the sum of \$500.

If a resident agent for a fur dealer within the meaning of clause (c) of this section, the sum of \$10.

If a nonresident, who is a citizen of the United States and an agent for a dealer within the meaning of said clause (c), the sum of \$250.

SUBDIVISION I. FEES AND APPLICATIONS FOR, AND ISSUANCE OF LICENSES.—Licenses, with the exception of alien special licenses and resident shipping licenses, shall be issued by the commission through its members, game wardens, and other persons authorized by it in writing to sell licenses. Alien special licenses shall be issued only by the members of the commission, and resident shipping licenses shall be issued by members of the commission and by the collector of customs at the port of shipment. Application blanks for licenses shall be furnished by the commission and shall be in such form as the commission may by regulation determine; and each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the Territory; and the members of the commission and its game wardens and other persons authorized in writing by it to issue licenses are hereby authorized to administer oaths to applicants for such licenses. The applicant for a license shall accompany his application with a license fee as follows:

Nonresident big game, small game, and fur-bearing animal hunting and trapping license, \$50.

Nonresident small game hunting license, \$10.

Resident shipping and return license, \$1 for each trophy.

Resident removing from Territory, \$5 for each trophy of big game.

Registered guide license, \$10.

Alien special license, \$100.

Fur farm license, \$2.

SUBDIVISION J. FALSE STATEMENT IN APPLICATION FOR AND ALTERATION AND EXPIRATION OF LICENSES.—That any false statement in an application for license as to citizenship, place of residence or other material facts shall render null and void the license issued upon it. Any person who shall make any false statement in an application for a license shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties provided for the commission of perjury. No person shall alter, change, loan, or transfer to another any license issued to him in pursuance of this act, nor shall any person other than the one to whom it is issued use such license; and each of such licenses shall expire the 30th day of June next succeeding its issuance.

SUBDIVISION K. PROCEEDS OF LICENSES, DISPOSITION OF.—That each officer or person selling licenses shall, as soon as practicable after the first day of each month, transmit the proceeds thereof with a report of such sales to the executive officer, who shall keep accurate records thereof and of receipts from all other sources and promptly transmit 50 per centum thereof to the Secretary of Agriculture, to be covered into the Treasury of the United States as miscellaneous receipts, and 50 per centum thereof to the treasurer of the Territory to be covered into the territorial school fund.

SEC. 12. COLLECTORS OF CUSTOMS, DUTIES OF.—That it shall be the duty of collectors of customs at ports of entry in the United States to keep accurate accounts of all consignments of game birds, game animals, skins of land fur-bearing animals, and parts thereof received from or returned to the Territory, except birds, nests, and eggs shipped under a scientific permit issued by the Secretary of Agriculture; and it shall be the duty of all collectors of customs to enforce the provisions of regulations adopted pursuant to this act with respect to shipments of animals or birds or nests or eggs of birds.

SEC. 13. UNITED STATES ATTORNEYS, DUTIES OF.—That it shall be the duty of the United States attorney for the division in which any wild animal or wild bird, or part thereof, or nest or egg of such bird, or any gun, trap, net, boat, dog, sled, or other paraphernalia has been seized, or has been used, taken, transported, bought, sold, or possessed contrary to the provisions of this act, to institute an action in rem against it for the forfeiture thereof to the United States in any case in which the disposition of such article is not involved in a criminal prosecution; the possession of any wild animal, bird, or part thereof, or nest or egg of such bird, during the time when the taking of it is prohibited, shall, in any such action, constitute *prima facie* evidence that it was taken, possessed, bought, sold, or transported in violation of the provisions of this act, and the burden of proof shall be upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully; and in case of judgment being rendered in favor of the United States, it shall be disposed of as directed by the court having jurisdiction, and if sold, the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission.

SEC. 14. TRANSFER OF FUNDS.—That the unexpended balances of any sums appropriated by the agricultural appropriation act for the fiscal years ending June 30, 1924 and 1925, for enforcing the provisions of section 1956 of the Revised Statutes, as amended, so far as it relates to the protection of land fur-bearing animals in the Territory, or by sundry civil act for the fiscal years ending June 30, 1924 and 1925, for the protection of game in the Territory, are hereby made available until expended for the expenses of carrying into effect the provisions of this act and regulations made pursuant thereto.

SEC. 15. PENALTIES.—That unless a different or other penalty or punishment is herein specifically prescribed, a person who violates any provision of this act, or who fails to perform any duty imposed by this act or any order or regulation adopted pursuant to this act, is guilty of misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$500 or be imprisoned not more than six months, or both; and, in addition thereto, the conviction of any licensed hunter for a violation of any of the provisions of this act shall cause a forfeiture of his license and he shall surrender it upon demand

to any person authorized by the commission to receive it; that all moneys from fines shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission.

That any licensed guide who shall fail or refuse to report promptly to the commission any violation of this act of which he may have knowledge, shall be guilty of a violation of this act, and, in addition thereto, shall have his license revoked and shall be ineligible to act as a licensed guide for a period of five years from the time of his conviction therefor, or, of the establishment to the satisfaction of the commission of definite proof of such offense.

SEC. 16. EXISTING LEGISLATION CONTINUED IN FORCE TEMPORARILY.—That the provisions of existing laws relating to the protection of game and fur-bearing animals, birds, and nests and eggs of birds in the Territory shall remain in full force and effect until the expiration of ninety days from the date of the publication of regulations of the Secretary of Agriculture adopted pursuant to the provisions of this act.

SEC. 17. That nothing in this act contained shall be construed as repealing or modifying in any manner section 6 of the act of Congress approved February 26, 1917 (Thirty-ninth Statutes at Large, page 938), entitled "An act to establish the Mount McKinley National Park in the Territory of Alaska."

SEC. 18. DATE EFFECTIVE.—That the provisions of this act relating to the creation and organization of the commission and with respect to making or adopting regulations shall take effect on its passage and approval; all other provisions of this act shall take effect ninety days from the date of the publication of regulations of the Secretary of Agriculture.

REGULATIONS RESPECTING GAME ANIMALS, LAND FUR-BEARING ANIMALS, GAME BIRDS, NONGAME BIRDS, AND NESTS AND EGGS OF BIRDS IN ALASKA

[Published March 29, 1928—Effective June 28, 1928]

Pursuant to the authority and direction contained in section 10 of the Alaska game law of January 13, 1925 (43 Stat. 739), upon consultation with and/or recommendation from the Alaska Game Commission, and having determined when, to what extent, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds may be taken, possessed, transported, bought, or sold in Alaska, I, R. W. Dunlap, Acting Secretary of Agriculture, do hereby adopt the following regulations as suitable regulations permitting and governing the same, to be effective 90 days after the date of publication hereof:

REGULATION 1.—DEFINITIONS

For the purpose of these regulations the following shall be construed, respectively, to mean:

Secretary.—The Secretary of Agriculture of the United States.

Commission.—The Alaska Game Commission.

Territory.—The Territory of Alaska.

Summit of Alaska Range and Ahklun Mountains.¹.—A continuous irregular line extending from the International boundary to Cape Newenham, following the divide separating the upper Yukon and the Tanana River drainage from the streams flowing into the Gulf of Alaska, Prince William Sound, and Cook Inlet; thence along the main Alaska Range following the divide between the streams flowing into the Tanana and Kuskokwim Rivers and those flowing into Cook Inlet; thence southwesterly to Cape Newenham following the divide separating the streams flowing into the Kuskokwim River and Kuskokwim Bay from those flowing into Cook Inlet and Bristol Bay.

Person.—The plural or the singular as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take.—To take, pursue, disturb, hunt, capture, trap, or kill, or to attempt to take, pursue, disturb, hunt, capture, trap, or kill game animals, land fur-bearing animals, game or nongame birds, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds.

Open season.—The time during which birds or animals may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

Close season.—The time during which birds and animals may not be taken.

Transport.—To ship, transport, carry, import, export, or receive or to deliver for shipment, transportation, carriage, or export unless the context otherwise requires.

Game animals.—Deer, moose, caribou, elk, mountain sheep, mountain goat, and the large brown and grizzly bears, which shall be known as big game.

Land fur-bearing animals.—Beaver, muskrat, marmot, ground squirrel (spermophile), fisher, foxes, lynx, marten or sable, mink, weasel or ermine, land otter, wolverine, polar bear, and black bear including its brown and blue (or glacier bear) color variations.

Game birds.—Migratory waterfowl, commonly known as ducks, geese, brant, and swans; shorebirds, commonly known as plovers, sandpipers, snipe, and

¹ See map, fig. 1, p. 10.

curlew; little brown crane, and the several species of grouse and ptarmigan; which shall be known as small game.

Nongame birds.—All wild birds except game birds.

REGULATION 2.—APPLICATIONS FOR LICENSES

Each application for a license required under the Alaska game law shall be made on the form prescribed by the commission and obtained from a person authorized to issue licenses, and if the application is made by mail it shall be accompanied by a draft on a Juneau bank or an express or postal money order payable to the commission for the amount of the license fee.

REGULATION 3.—LICENSES OF HUNTERS, TRAPPERS, AND GUIDES

Nothing in these regulations shall be construed to permit a person to take animals or birds or to act as a guide in the Territory unless he shall be in



FIG. 1.—Map of Alaska, showing boundaries of fur districts, summit of Alaska Range and Ahklun Mountains (certain restrictions regarding game differ on either side), and reservations and other areas where birds and animals are protected

possession of a valid license, bearing his signature written in ink on the face thereof, if he is required by the Alaska game law or regulations thereunder to have a license to take animals or birds or to act as a guide, and he shall have his license on his person when taking animals or birds or acting as a guide, and shall produce it for inspection by any game warden or other person requesting to see it.

REGULATION 4.—POSSESSION AND TRANSPORTATION OF GAME ANIMALS, GAME BIRDS, AND FUR-BEARING ANIMALS

Game animals in numbers not exceeding the maximum seasonal limits prescribed by regulations 11 and 13, the hides, heads, and feet of game animals, articles made from such hides, heads, or feet, grouse and ptarmigan, and the skins and feathers of game birds, legally taken during the open season, may be possessed and transported at any time within the Territory by any person, provided that caribou legally taken north of the summit of the Alaska Range

and Ahklun Mountains, and mountain sheep, legally taken north of the Arctic Circle, may be transported and possessed in the Territory south of such areas, respectively, by the person who killed them.

Any person may without a license possess and transport at any time within or out of the Territory the shed or weathered antlers of caribou, moose, and deer.

Any person may transport within the Territory during the period constituting the open season therefor migratory game birds legally taken during the open season, and any such migratory game birds or parts thereof in transit during the open season may continue in transit for such additional time immediately succeeding such open season, not to exceed five days, as may be necessary to deliver the same to their destination and may be possessed within the Territory during the period constituting the open season and for an additional period of 10 days next succeeding such open season, but no person shall possess more than 75 in the aggregate of all kinds of ducks, geese, and brant at any one time.

A nonresident may possess and transport at any time within or out of the Territory the skins and feathers of game birds and any article manufactured from the hides or hoofs of caribou, deer, or mountain goats, legally taken.

A nonresident citizen who is the holder of a valid game license, or a nonresident alien who is the holder of an alien special license, may possess and transport at any time within or out of the Territory 1 moose, 3 deer, 2 caribou, 2 mountain sheep, 3 mountain goats, and 3 in the aggregate of large brown and grizzly bears, excepting if such bears are from the Kenai Peninsula, the Kodiak-Afognak Island group, or the Alaska Peninsula as particularly described in regulation 11 then 2 in the aggregate, or any parts of such animals, but no more of any one kind legally taken by him; but before any big game animal or part thereof shall be transported out of the Territory, the person desiring to make such shipment shall first make and deliver to the collector of customs at the port of shipment, in case the shipment is made by express or freight, or with the postmaster at the place where mailed, if shipment is made by parcel post, his affidavit to the effect that he has not violated any of the provisions of the Alaska game law or the regulations thereunder; that the big-game animal or part thereof which he desires to ship has not been purchased or sold and is not being shipped for the purpose of being sold, and that he lawfully killed the animal and is the owner of it or the part thereof which he desires to ship; and if the shipment consists of a caribou or part thereof, the statement must show whether the animal was killed north or south of the summit of the Alaska Range and Ahklun Mountains, or if a sheep or part thereof whether the animal was killed north or south of the Arctic Circle. Such affidavit shall accompany the shipment, if made by express or freight, to the port of clearance, there to be taken up by the collector of the port; collectors of customs at ports of clearance and postmasters shall promptly transmit such affidavits to the commission. Such shipment shall have attached thereto a license coupon for each carcass or part thereof contained therein.

In any one year a resident may export by express, freight, or parcel post, for mounting and return to the Territory within one year, but not for sale, not to exceed two heads or trophies of each species of game animal legally killed by him during the open season, upon first procuring from a member of the commission or a collector of customs a resident shipping license, which license shall be securely fastened to the shipment in a conspicuous place. On the return of the trophy or trophies to the consignor, the shipping license shall be securely fastened to the shipment, and the collector or postmaster through whose office it is received shall detach the original license, note thereon the contents of the shipment, and promptly forward the license to the commission.

A citizen of the United States who has been a resident of the Territory for at least two years and who is removing his residence from the Territory may export, by express, freight, or parcel post, trophies of game animals legally acquired by him upon first procuring from a member of the commission, or collector of customs, a shipping license, which shall be securely fastened to the shipment in a conspicuous place.

Land fur-bearing animals for which an open season is provided, skins or parts thereof, when legally acquired, may be possessed and transported by any person at any time, but no person who is engaged in fur farming or is a fur dealer or an agent of a fur dealer shall possess or transport any fur-bearing animal or part thereof unless at the time of such possession or transportation he is in possession of a valid license issued to him pursuant to the pro-

visions of the Alaska game law, and no person shall possess or transport any unprime skin at any time. In case shipment is made by express or freight, the shipper shall first deliver to the collector of customs at the port of shipment, or, if by parcel post, to the postmaster at the point of mailing, a statement correctly showing the number and kinds of skins in each shipment, and setting forth that no unprime skin is contain therein and further if shipment contains beaver or marten skins, the statement shall show serial number of the commission's seal attached to each skin. If shipment is made by express or freight such statement shall accompany it to the port of clearance, there to be taken up by the collector of the port, or, if by parcel post, by the postmaster at the office where mailed. Collectors and postmasters shall promptly transmit such statements to the commission. In case skins or furs are shipped out of the Territory by means other than express, freight, or parcel post, the person transporting them shall first transmit by mail such a statement to the commission.

Skins of beavers or martens shall be sealed with a seal prescribed by the commission within 90 days after the close of the open season during which skins were legally taken or within 90 days after such skins are imported into the Territory. Persons desiring to have such skins sealed shall present them to a member of the commission, to a game warden, or to other person authorized by the commission to seal skins, together with such affidavit or affidavits of lawful taking or importation as may be required. Skins of beavers or martens unless sealed as prescribed by this regulation may not be possessed or transported by any person after the expiration of such period.

REGULATION 5.—MARKING SHIPMENTS OF GAME ANIMALS, GAME BIRDS, LAND FUR-BEARING ANIMALS, OR PARTS THEREOF

Each package in which game animals, game birds, land fur-bearing animals, or parts thereof are transported, shall have clearly and conspicuously marked on the outside thereof the names and addresses of the consignor and consignee and an accurate statement of the number of each kind of game animals, game birds, land fur-bearing animals, or parts thereof, contained therein; and if the package contains skins of beavers or martens, the serial numbers of the commission's seals attached thereto shall also be similarly marked on the package.

REGULATION 6.—SALE OF GAME ANIMALS AND GAME BIRDS IN CERTAIN PLACES, OF FUR-BEARING ANIMALS AND PARTS THEREOF, AND OF FEATHERS OF DUCKS AND GEESE

Except as provided in regulation 7, in that portion of Alaska north of the summit of the Alaska Range and Ahklun Mountains a person who has legally killed caribou may sell the meat thereof, but no person to whom such meat is sold shall sell it otherwise than in cooked form.

Except as provided in regulation 7, in that portion of Alaska south of the summit of the Alaska Range and Ahklun Mountains a person who has legally killed caribou may sell the meat thereof, but no person to whom such meat is sold shall sell it otherwise than in cooked form and then only at road houses having a permit prescribed by the Secretary.

Except as provided hereafter in this regulation and in regulation 7, a person may buy and sell the meat of moose and nonmigratory game birds legally taken, at any time in that part of the Territory north of the Alaska Range and Ahklun Mountains: *Provided*, That such meats so sold shall not be transported to or possessed in any other part of the Territory. Nothing in this regulation shall be construed to permit a person other than the one who legally killed the game animals and game birds to sell such animals or birds except in cooked form for human food: *Provided further*, That nothing in this regulation shall permit the sale to or serving by restaurants, road houses, or public or other eating houses of moose or nonmigratory game birds or parts thereof, within the area of five miles each side of the center line of the Alaska Railroad and its branches.

Any person may without a license buy and sell at any time in the Territory the feathers of wild ducks and wild geese, lawfully killed or seized and condemned by Federal game authorities, for use in making fishing flies, bed pillows, and mattresses, and for similar commercial purposes, but not for millinery or ornamental purposes; the hides or parts thereof of moose, caribou, deer, and mountain goats, legally taken during the open season; shed antlers of caribou,

moose, and deer; and the skins and feathers of eagles, crows, hawks, owls, ravens, and cormorants.

A native-born resident Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, and a hunter or trapper may sell without a license the skins of fur-bearing animals which he has lawfully taken, and a person not engaged or employed in the business of trading in such skins may buy without a license the skins of fur-bearing animals for his own use, but he may not sell them. Any other person who is in possession of a valid license issued pursuant to the provisions of the Alaska game law authorizing him so to do may buy and sell the skins of fur-bearing animals at any time, but each such person shall have his license with him when buying or selling skins, except that a person buying or selling skins at an established place shall have his license posted conspicuously on the premises, and each such licensee shall produce his license for inspection by any game warden or other person requesting to see it.

REGULATION 7.—SERVING GAME IN MESS HOUSES, BOATS, AND DINING CARS

Nothing in these regulations shall be construed to permit any person to sell any game animal, game bird, or part thereof to the owner, master, or employee of any coastal or river steamer or commercial power or sail boat or for any such owner or employee to buy any game animal, game bird, or part thereof; or to take or to possess for serving or to serve any game animal, game bird, or part thereof in any dining car, any commercial mess house operated by the owner of a cannery, or railroad, by a contractor, or in any other commercial mess house, or other place maintained for the serving of food regularly to employees of such cannery, railroad, or contractor; or to serve any game animal, game bird, or part thereof to an employee of any coastal or river steamer or commercial power or sail boat; or to permit an employee of a railroad, cannery, contractor, or coastal or river steamer or other commercial power or sail boat to possess any game animal, game bird, or part thereof in a dining car, or any commercial mess house, or in the galley or dining room of any such boat.

REGULATION 8.—TAKING OF GAME BY PROSPECTORS, TRAVELERS, AND CERTAIN INDIANS WHEN IN NEED OF FOOD

An Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise and an explorer, prospector, or traveler may take animals or birds in any part of the Territory at any time for food when in absolute need of food and other food is not available, but he shall not ship or sell any animal or bird or part thereof so taken.

REGULATION 9.—METHODS OF TAKING GAME ANIMALS AND GAME BIRDS

Except in areas closed to hunting under regulation 14 and as otherwise specifically permitted by regulations 22 and 23, game animals and game birds may be taken during the open season in the numbers mentioned in regulations 11 and 13 with a bow and arrow, spear, pistol, rifle, or gun not larger than No. 10 gauge, by the use of decoys, and from a blind or floating device (other than an airplane, steam or power launch, or any other boat than one propelled by paddle, oars, or pole); but no person shall take any game animal or game bird with the aid or use of a pit, deadfall, fire, jack light, searchlight, or other artificial light, or any game animal with the aid or use of a dog, or while swimming.

REGULATION 10.—OPEN SEASONS ON CERTAIN GAME ANIMALS

Except in areas closed to hunting under regulation 14, game animals may be taken during the following open seasons:

Bull moose (except yearlings and calves).—September 1 to December 31.

Caribou----- { In fur district 2, north of the summit of the Alaska Range, August 1 to December 31.
In fur district 3, September 1 to March 31.
In all other parts of Alaska, September 1 to December 31.

Male deer having horns not less than 3 inches in length above the top of the skull.—East of longitude 141° in southeastern Alaska, September 1 to November 30.

Mountain sheep (except females and lambs).—August 20 to December 31.

Mountain goat (except kids).—September 1 to December 31.

Bear (large brown and grizzly).—September 1 to June 20; provided, that any person may kill a large brown or grizzly bear at any time when such animal is about to attack or molest persons or property, or when found within half a mile of a residence or human habitation.

REGULATION 11.—BAG LIMITS ON CERTAIN GAME ANIMALS

A person may take during the open season prescribed therefor in regulation 10 and have in possession at any one time not to exceed the following numbers of game animals, provided that caribou legally taken north of the summit of the Alaska Range and Ahklun Mountains, and mountain sheep, legally taken north of the Arctic Circle, may be transported and possessed in the Territory south of such areas, respectively, by the person who killed them:

Moose.—One.

Caribou

Deer.—Three.

Mountain sheep

Mountain goat.—Three.

Bear (large brown and grizzly).—Three in the aggregate (see exception).

Exception: On the Kenai Peninsula south of a line following the north bank of Portage Creek to its source, thence easterly to the head of Passage Canal; on the Kodiak-Afognak Island group; and on the Alaska Peninsula south and west of the Kvichak River, Iliamna Lake, and the old portage from Kamishak Bay to Kakhonak Bay, 2 in the aggregate.

The Secretary upon proper showing by the applicant will grant permission to persons located in that area described under regulation 6, where the sale and serving of game is permitted, to have in possession at one time an excess of the numbers of game animals permitted under this regulation. Application for such permission should be addressed to the Alaska Game Commission, Juneau, Alaska.

REGULATION 12.—OPEN SEASONS ON CERTAIN GAME BIRDS

Except in areas closed to hunting under regulation 14, game birds may be taken during the following open seasons:

Grouse and ptarmigan.—September 1 to February 28.

Duck (except eider duck), goose, brant, and Wilson snipe or jacksnipe.—September 1 to December 15.

REGULATION 13.—DAILY BAG AND MAXIMUM POSSESSION LIMITS ON CERTAIN GAME BIRDS

A person may take in any one day during the open season prescribed therefor in regulation 12 not to exceed the following numbers of game birds, which

numbers shall include any game birds taken by any other person who for hire accompanies or assists him in taking them:

Grouse and ptarmigan.—Grouse, 15 in the aggregate of all kinds; ptarmigan, 25 in the aggregate of all kinds; but not to exceed 25 in the aggregate of all kinds of grouse and ptarmigan.

Duck, goose, and brant.—Duck (except eider duck), 25 in the aggregate of all kinds; goose, 8 in the aggregate of all kinds; brant, 8.

Wilson snipe or jacksnipe.—Twenty.

A person may possess from the beginning of the open season to 10 days after the close of the open season not to exceed 75 in the aggregate of all kinds of migratory waterfowl at any one time.

REGULATION 14.—CONTINUOUS CLOSE SEASON IN CERTAIN AREAS

Nothing in these regulations shall be construed to permit the taking at any time of any game animal, game bird, or fur-bearing animal—

in Mount McKinley National Park,

in Katmai National Monument,

in Glacier Bay National Monument,

or, except under permit of the Secretary of Agriculture,

on any bird reservation,

on Kruzof or Partofshikof Islands,

on any island occupied under lease or permit for fur-farming purposes except by the occupant thereof,

or in any of the following-described areas along the line of the Alaska Railroad:

1. One-half mile in width situated to the eastward of the center line of the Alaska Railroad between mileposts 40.5 and 41.5.

2. One-half mile in width situated to the westward of the center line of the Alaska Railroad between mileposts 176 and 177.

3. One-half mile in width situated to the westward of the center line of the Alaska Railroad between mileposts 181.5 and 182.5.

4. One-half mile in width situated to the westward of the center line of the Alaska Railroad between mileposts 190 and 191.

5. One-half mile in width situated to the westward of the center line of the Alaska Railroad between mileposts 195.5 and 196.5.

6. One mile in width situated one-half mile to the eastward and one-half mile to the westward of the center line of the Alaska Railroad between mileposts 234.5 and 236.5.

7. One mile in width situated one-half mile to the westward and one-half mile to the eastward of the center line of the Alaska Railroad between mileposts 242 and 243.

8. One-half mile in width situated to the eastward of the center line of the Alaska Railroad between mileposts 250 and 252.

9. Beginning at a point 6 miles north of the Curry Hotel, thence east 1 mile, thence south 7 miles, thence west 2 miles, thence north 7 miles, thence east 1 mile to the place of beginning.

Nothing in these regulations shall be construed to permit the taking at any time except under permit of the Secretary of Agriculture of any—

beaver or muskrat on the Kodiak-Afognak Islands group,

mountain sheep or mountain goat in the eastern part of Kenai Peninsula east of longitude 150° (the location of which is indicated by a north and south line 5 miles east of the Stalter Place on Kenai River),

mountain goat on Baranof or Chichagof Islands,

deer west of longitude 141°,

blue fox { in fur district 2 south of the summit of the Alaska Range and Ahklun Mountains,

in fur district 1, except on the Aleutian Islands reservation,

buffalo in any part of Alaska,

moose on the Alaska Peninsula south and west of the Kvichak River, Iliamna Lake, and the old portage from Kamishak Bay to Kakhonak Bay.

REGULATION 15.—CERTAIN NONGAME BIRDS UNPROTECTED

A person may take, possess, and transport crows, hawks, owls, eagles, ravens, and cormorants, and their nests and eggs, at any time, in any number, and by any means, except they may not be taken by the use of poison.

REGULATION 16.—TAKING OF CERTAIN NONGAME BIRDS BY ESKIMOS AND INDIANS FOR FOOD AND CLOTHING

Eskimos and Indians may take, possess, and transport at any time, auk, auklets, guillemots, murres, and puffins and their eggs for food, and their skins for clothing, for the use of themselves and their immediate families.

REGULATION 17.—LAND FUR-BEARING ANIMAL DISTRICTS ²

For the purpose of these regulations, with respect to land fur-bearing animals, the Territory is hereby divided into three districts, as follows:

Fur district 1.—The Aleutian Islands, Alaska Peninsula north and east to the old portage from Kamishak Bay to Kakhonak Bay on the south side of Iliamna Lake and the Kvichak River, and neighboring islands, and southeastern Alaska from Cape Fairweather to Dixon Entrance.

Fur district 2.—All the mainland and islands of Alaska not included in fur district No. 1 and south of the headwaters of the streams entering the Arctic Ocean north of the sixty-eighth parallel of north latitude.

Fur district 3.—The region drained by the streams entering the Arctic Ocean north of the sixty-eighth parallel of north latitude and the drainages of the Noatak, Kobuk, Selawik, and Buckland Rivers.

REGULATION 18.—METHODS OF TAKING LAND FUR-BEARING ANIMALS

Land fur-bearing animals may be taken during the open season in any number except black bear as hereinafter specifically provided in regulation 19, and in any manner, except by the aid or use of a shotgun, fire, jacklight, pit lamp, searchlight, or other artificial light, by means of a trap or device known as the "klips," or by means of any steel bear trap or any other trap with jaws having a spread exceeding 9 inches, or by means of strychnine or other poison; provided, that no dogs shall be used to take any land fur-bearing animal (except polar bear), and no fur-bearing animal shall be taken from its home, den, or hole by digging, smoking, or the use of chemicals, and no home, house, den, or runway of a beaver or muskrat shall be injured or destroyed.

REGULATION 19.—OPEN AND CLOSE SEASONS ON LAND FUR-BEARING ANIMALS

Except in areas closed to trapping under regulation 14, land fur-bearing animals may be taken in the specified districts during the following open seasons:

Fur district 1:

Muskrat.—December 16 to April 30.

Mink, land otter, and weasel (ermine):

East of Longitude 138°, January 1 to March 1.

West of Longitude 138° (see exceptions), December 16 to March 31.

Exception: The Kodiak-Afognak Island group, including Dark Island as the outermost island on the north, Marmot Island on the east, Tugidak and Trinity Islands on the west and south: Land otter and weasel (ermine), December 1 to February 15.

Exception: No open season on Urimak Island.

Fox (red, cross, and silver) and lynx.—November 16 to January 31.

Blue fox.—On Aleutian Islands Reservation only: November 16 to January 31.

Black bear, including its brown and blue (glacier bear) color variations.—October 1 to May 31.

Wolf, coyote, wolverene, marmot, and ground squirrel (spermophile).—No close season, may be taken at any time.

Marten.—No open season.

Beaver.—No open season.

² See map, fig. 1, p. 10.

Fur district 2:

*Muskrat.*³—In that part of the district north of the summit of the Alaska Range and Ahklun Mountains consisting of the area south and westerly of a line following the winter trail through Unalakleet, Old Woman, Kaltag, Diskakat, Dikeman, Iditarod, Flat, and Georgetown, thence following the divide separating the streams flowing into the Kuskokwim from the south below Georgetown from those flowing into the Kuskokwim from the south above Georgetown, and extending to the summit of the Ahklun Mountains, May 1 to June 10.

In that part of the district north of the summit of the Alaska Range consisting of the drainage of the Tanana River from its junction with the Yukon to its source, including all its tributaries, April 1 to May 20.

All the remainder of the district north of the summit of the Alaska Range and Ahklun Mountains, March 15 to May 31.



FIG. 2.—Map of Alaska, the shaded portions showing areas in which the seasons differ on muskrat, fox, and lynx. A, Lower Kuskokwim and Yukon drainages—open season on muskrat, May 1 to June 10. B, Tanana River drainage—open season on muskrat, April 1 to May 20. C, Seward Peninsula and drainages of Kiwalik and Koyuk Rivers—open season on fox and lynx, December 1 to March 15

In that part of the district south of the summit of the Alaska Range and Ahklun Mountains, December 16 to April 30.

Mink, land otter, and weasel (ermine):

In that part of the district north of the summit of the Alaska Range and Ahklun Mountains, November 16 to March 1.

In that part of the district south of the summit of the Alaska Range and Ahklun Mountains, December 1 to March 1.

Black bear, including its brown and blue (or glacier bear) color variations:

In that part of the district north of the summit of the Alaska Range and Ahklun Mountains, no close season.

In that part of the district south of the summit of the Alaska Range and Ahklun Mountains, September 1 to June 20, except that during the month of September not more than two may be taken.

³ See map, fig. 2.

Fox and lynx.—In that part of the district north of the summit of the Alaska Range and Ahklun Mountains (see exception), November 16 to March 1.

*Exception:*³ On the Seward Peninsula, including the drainage of the Kiwalik and Koyuk Rivers, December 1 to March 15.

In that part of the district south of the summit of the Alaska Range and Ahklun Mountains, except blue fox, November 16 to January 31.

Polar bear, wolf, coyote, wolverene, marmot, and ground squirrel (spermophile).—No close season, may be taken at any time.

Marten.—No open season.

Beaver.—No open season.

Fur district 3:

Muskrat.—May 1 to June 10.

Fox, lynx, land otter, and weasel (ermine).—December 1 to March 31.

Polar bear, black bear, including its brown and blue (or glacier bear) color variations, wolf, coyote, wolverene, marmot, and ground squirrel (spermophile).—No close season, may be taken at any time.

Marten.—No open season.

Mink.—No open season.

Beaver.—No open season.

REGULATION 20.—FEEDING GAME TO FOXES, FUR-BEARING ANIMALS, AND DOGS

Nothing in these regulations shall be construed to permit any person to feed to a fox or other fur-bearing animal held in captivity, or to a dog boarded for pay, any part of a game animal or bird other than an eagle, a raven, crow, hawk, owl, or cormorant, but waste parts, such as hides, viscera, and bones, may be fed to such animals.

REGULATION 21.—DUTIES OF FUR FARMERS AND FUR TRADERS

Each licensed fur farmer or fur dealer shall comply with the provisions of all Territorial laws relating to fur farmers and fur dealers, and, at all reasonable hours, shall allow any member of the commission, any game warden, or any authorized employee of the United States Department of Agriculture to enter and inspect the premises where operations are being carried on under these regulations, and to inspect the books and records relating thereto.

REGULATION 22.—PERMITS TO TAKE SPECIMENS FOR SCIENTIFIC, PROPAGATION, AND EXHIBITION PURPOSES

The Secretary may issue a permit to a duly accredited representative of an educational or scientific institution, public museum or park, governmental department of the United States, or a State engaged in the scientific study of animals and birds, or a person known to be making a special animal or bird investigation, authorizing the holder to collect, possess, and transport wild animals and wild birds and the nests or eggs of birds for scientific purposes, and may issue a permit to any person to take, possess, and transport animals or birds for propagation or exhibition, but no permit to take fur-bearing animals for propagation shall be valid unless countersigned by the executive officer before issuance, and no permit shall authorize the collection, possession, purchase, or sale for propagation of migratory birds other than ducks and geese. Such permit shall be carried on the person of the permittee when he is collecting animals, birds, or nests or eggs thereunder, and shall be exhibited to any warden or other person requesting to see it.

Applications for permits to take land fur-bearing animals for propagation should be addressed to the Alaska Game Commission, Juneau, Alaska, and must state the kinds and numbers of animals the applicant desires to capture, and where the animals are to be kept. Applications for all other permits should be addressed to the Secretary of Agriculture, Washington, D. C., and must state the name and address of applicant, his age, whether he is a taxidermist, name and address of the public museum or park, if any, which he

³ See map, fig. 2, p. 17.

represents, region where he desires to collect, number of each species of animal or bird or nests or eggs he desires to collect, probable port and date of shipment, and the purpose for which they are intended.

The permit may limit the number and species of animals, birds, and nests and eggs that may be collected thereunder, and may authorize the permittee to possess, buy, sell, and exchange animals and birds, parts thereof, and nests and eggs for scientific, propagation, or exhibition purposes, and prescribe the manner in which specimens may be taken or may be transported, or it may limit the permittee to one or more of these privileges and prescribe such other restrictions as the Secretary may deem necessary.

Each permit shall expire on December 31 of the year of issue, shall be revocable at the discretion of the Secretary, and shall not be transferable. A permit duly revoked by the Secretary shall be surrendered to him by the person to whom issued on demand of any employee of the United States Department of Agriculture or of the commission authorized by the Secretary to make such demand.

The holder of a permit to take land fur-bearing animals for propagation shall on or before the 10th day of January following the expiration of this permit report to the Alaska Game Commission, Juneau, Alaska, the kinds, number, and sex of all animals taken by him under the permit, the disposition made of all animals so captured, and whether any animals were killed or died in the course, or as a result of the capture operations.

A permittee holding other permits shall report to the Secretary on or before the 10th day of January following the termination of his permit, the number of animals, birds, and nests and eggs collected, bought, sold, exchanged, or transported during the preceding calendar year.

Permittees shipping animals, birds, or nests or eggs for scientific, propagation, or exhibition purposes, except as herein mentioned, must, at the time of shipment, forward to the collector of customs at the port of entry a copy of his permit bearing the seal of the United States Department of Agriculture and a list correctly showing the number and kinds of animals, birds, or nests or eggs contained in the shipment, but if several shipments are to be made under one permit, such copy of the permit and such list should accompany the first consignment, and at the time any subsequent shipment is made such a list should be mailed to the collector of customs at the port of entry. Shipments of specimens to the United States Department of Agriculture or to the Smithsonian Institution of the United States National Museum may be made without being accompanied by a permit, and shipments containing not to exceed 10 live animals and not to exceed 25 live birds in any one consignment may be sent without being accompanied by a permit to the following zoological parks, if shipped directly to one of such parks and not to some agent:

Golden Gate Park, San Francisco.

Lincoln Park, Chicago.

Lincoln Park Zoo, Chicago.

Menagerie of Central Park, New York City.

National Zoological Park, Washington.

New York Zoological Society, New York City.

Zoological Board of Control, St. Louis.

Zoological Garden, Belle Isle, Detroit.

Zoological Society, Philadelphia.

REGULATION 23.—PERMITS TO KILL ANIMALS OR BIRDS INJURIOUS TO PROPERTY

When information is furnished the Secretary that any species of bird or animal has become, under extraordinary conditions, seriously injurious to agricultural or other interests in the Territory, an investigation will be made to determine the nature and extent of the injury, and whether the animals or birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be issued.

REGULATION 24.—REVOCATION OF PRIOR REGULATIONS

On and after 90 days after publication hereof, all regulations respecting game animals, land fur-bearing animals, game birds, nongame birds, and nests

and eggs of birds in Alaska made and published by the Secretary of Agriculture under authority of the Alaska game law prior to the regulations hereby made and published shall be and are hereby revoked.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 28th day of March, 1928.



R. W. DUNLAP,
Acting Secretary of Agriculture.

REGULATIONS OF THE ALASKA GAME COMMISSION RELATING TO GUIDES, POISONS, AND RESIDENT TRAPPING LICENSES

By virtue of the authority conferred upon the Alaska Game Commission by act of January 13, 1925 (43 Stat. 739), entitled "An act to establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes," the following regulations for the protection of game animals, land fur-bearing animals, and birds in Alaska are made and published, to take effect July 1, 1928:

REGULATION A.—EMPLOYMENT OF GUIDES BY NONRESIDENTS HUNTING IN ALASKA

No nonresident of the Territory shall take game animals in Alaska except in fur district 3 unless accompanied by a registered guide duly licensed by the commission, except that nonresident Federal employees engaged in investigations or other work in Alaska shall not be required to employ registered guides when hunting game animals.

REGULATION B.—QUALIFICATIONS OF GUIDES

Only a resident citizen or a resident native Indian or Eskimo who is the holder of a valid registered guide license shall act as guide for a nonresident hunter of game animals in Alaska. Any person desiring to be registered with the commission and granted a guide license for guiding nonresident hunters, shall file with the commission an application, on a form issued by the commission, which shall be subscribed and sworn to by the applicant before a person authorized to administer oaths. Such application shall state applicant's citizenship and residence status, his permanent address, and the regions in which he desires to guide nonresident hunters. Each applicant for a registered guide license shall be required to undergo a written and oral examination by a member of the commission or by such person as the commission may designate, as to his qualifications for a guide and knowledge of the Alaska game law and regulations.

Beginning with the license year July 1, 1929, no guide license shall be issued unless the application therefor shall have been approved by the Alaska Game Commission at a regular or special meeting: *Provided*, That in cases of emergency the executive officer may, after due investigation and being satisfied of the applicant's qualifications, issue a guide license upon an application properly completed and accompanied by the required fee, authorizing the licensee to guide certain specified nonresident hunters, who shall be named in the application for such license: *Provided further*, That the extension of guiding privileges authorized by such licenses or the renewal thereof shall be made only upon compliance with the requirements first above stated.

A registered guide license must bear the signature of the chairman of the commission and be countersigned by one other member of the commission. Each license shall expire on June 30 next succeeding its issuance, shall be revocable at the discretion of the commission, and shall not be transferable.

Each licensed guide shall submit to the commission immediately upon completion of a hunting trip, a record of the name and address of each nonresident in each hunting party for which he acted as guide, the period covered by his services rendered each hunting party during the open season, the number and species of animals taken by each nonresident guided by him, the number and species of animals wounded but not secured by each nonresident hunter guided by him, and the numbers and localities of each species of big-game animal observed by him and members of the hunting party.

REGULATION C.—USE OF POISON

A predatory animal hunter employed by or under the direction of the commission, when authorized so to do by permit issued by the commission, and countersigned by the executive officer, may use a poison, approved by the commission, to kill wolves or coyotes. Such permit shall designate the locality in which the permittee is authorized to use poison for such purposes. Such person shall each month report to the executive officer of the commission the results of the use of such poison.

No hunter or trapper, including native Indians or Eskimos, shall have in possession any strychnine, death capsules, or any other poison capable of being used for killing fur-bearing or game animals. Possession shall include presence of such poisons in camps, cabins, buildings, or boats occupied by hunters, trappers, native Indians, or Eskimos.

REGULATION D.—RESIDENT TRAPPING LICENSE

After July 1, 1928, no resident of Alaska, except a native-born Indian, Eskimo, or half-breed, who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, shall take or attempt to take land fur-bearing animals in Alaska without first having obtained a resident trapping license.

On and after July 1, 1928, all former regulations of the Alaska Game Commission relating to guides, poison, and resident trapping licenses shall be, and are hereby, revoked.

In testimony whereof we have hereunto set our hands and caused the official seal of the commission to be affixed in the city of Juneau, Territory of Alaska, this 21st day of February, 1928.



C. T. GARDNER,
*Commissioner First Judicial
Division, and Chairman.*

J. C. WIDSTEAD,
*Commissioner Second
Judicial Division.*

W. H. CHASE,
*Commissioner Third
Judicial Division.*

IRVING MCK. REED,
*Commissioner Fourth
Judicial Division.*

H. W. TERHUNE,
*Chief Representative of the Bureau of Biological Survey
Resident in Alaska, and Secretary.*

BIRD REFUGES IN ALASKA

On the Alaska bird refuges named below, which are administered by the Biological Survey, wild animals and birds are specially protected. (See law, p. 25.) In addition, the Mount McKinley National Park, the Katmai National Monument, and the Glacier Bay National Monument, under the National Park Service of the Department of the Interior, are game sanctuaries, all hunting being prohibited in these places. (See map, fig. 1.) Certain other areas where birds and animals are protected in the Territory are named in regulation 14 (p. 15).

Aleutian Islands (established by Executive order of March 3, 1913).—A chain of islands with vegetation characteristic of the treeless Arctic plains, extending westward 1,200 miles from the Alaska Peninsula, including Unimak and Sannak Islands on the east and Attu Island on the west; maintained for the protection of native birds and game animals, the encouragement of fisheries, and the propagation of reindeer and fur animals. Islands usually rocky and some of them covered with a vigorous growth of grass and lichens. Blue foxes are farmed on many.

Bering Sea (established by Executive order of February 27, 1909).—Includes St. Matthew and Hall Islands and Pinnacle Islet in Bering Sea, about 220 miles north of the Pribilofs. St. Matthew, a jagged, straggling reach of bluffs and headlands, connected by bars and lowland spits, has an extreme length of 22 miles and varies in width from 2 to 3 miles. Hall Island, 3 miles to the west, is separated from St. Matthew by Sarichef Strait. Pinnacle Islet is a narrow rock about 1 mile long and 200 yards wide and rises to an altitude of 900 feet so abruptly that there is scarcely a place for a boat to land. Arctic foxes, represented mainly by the normal phase, which turns white in winter, are found in numbers, some coming from the mainland in winter on the pack ice. The rare and beautiful McKay snowflake is known to breed nowhere except on this refuge, and the Pribilof sandpiper breeds here more extensively than anywhere else.

Bogoslof (established by Executive order of March 2, 1909).—Volcanic islets, in Bering Sea, commonly known as the Bogoslof Islands, about 40 miles north of Umnak and Unalaska, of the Aleutian Islands Reservation. Noted for the large colonies of sea lions, and the rocky portion as being the home of millions of murres.

Chamisso Island (established by Executive order of December 7, 1912).—A reservation about a mile and a quarter long and half a mile wide, consisting of Chamisso Island and Puffin and other near-by rocky islets in Kotzebue Sound, 2 miles south of the extremity of Choris Peninsula. One of the most important breeding rookeries of Arctic birds along the northwest coast of Alaska, including horned puffins, Pallas murres, Pacific kittiwakes, and Point Barrow gulls.

Curry and Alaska Railroad (established by Executive order of February 21, 1927).—Certain areas along the Alaska Railroad between mileposts 40.5 and 252 set aside especially as preserves and breeding grounds for muskrats and beavers, but under regulation 14 (p. 15) all game birds and game and fur-bearing animals are protected; and an area comprising 14 square miles surrounding the Government hotel at Curry, Alaska, as a bird, fish, and game refuge; fishing regulated by the Department of Commerce.

Forrester Island (established by Executive order of January 11, 1912).—In the Pacific Ocean west of Ketchikan, at the extreme southeastern boundary of Alaska, including Forrester and Lowrie Islands and Wolf and other adjacent rocks. The breeding place of various kinds of sea birds.

Hazy Islands (established by Executive order of January 11, 1912).—A group of islands in southeastern Alaska, west of Coronation Island and 100 miles north of Forrester. Breeding place for numerous sea birds.

St. Lazaria (established by Executive order of February 27, 1909).—At the entrance to Sitka Sound, about 30 miles west of Sitka. The breeding place of certain sea birds.

Tuxedni (established by Executive order of February 27, 1909).—Embracing Chisik, Egg, and other small islands in Tuxedni Harbor, Cook Inlet, set aside as a breeding ground for native birds. Within the Southwestern Fisheries Reservation, established November 3, 1922.

LACEY ACT, REGULATING INTERSTATE COMMERCE IN GAME

Federal laws affecting the shipment of game comprise statutes regulating interstate commerce in game and the importation of birds and mammals from foreign countries, as follows:

CRIMINAL CODE—ACT OF MARCH 4, 1909

[35 Stat. 1137]

SEC. 241. The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes," or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

SEC. 242. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States to any other State, Territory, or District thereof, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds,⁴ where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed: *Provided further*, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowls.

SEC. 243. All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on an inspection of the outside of such package.

SEC. 244. For each evasion or violation of any provision of the three sections last preceding, the shipper shall be fined not more than \$200; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than \$200; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than \$200.

SECTIONS 1 AND 5—ACT OF MAY 25, 1900⁵

[31 Stat. 187-188]

That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and

⁴ See sec. 4 of the migratory-bird treaty act, which supersedes this part of the Lacey Act relative to the interstate transportation of wild birds.

⁵ Secs. 2, 3, and 4 superseded by secs. 241-244 of the Criminal Code, act of Mar. 4, 1909 (35 Stat. 1137).

restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor.

SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS ON FEDERAL REFUGES

ACT OF MARCH 4, 1909, AS AMENDED APRIL 15, 1924

[43 Stat. 98]

SEC. 84. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both.

REGULATIONS RESTRICTING HUNTING ON NATIONAL FORESTS

Regulation T-7, effective October 1, 1919, of the Regulations of the Forest Service Relative to National Forests, provides as follows:

The following acts are prohibited on lands of the United States within national forests:

The going or being upon any such land, or in or on the waters thereof, with intent to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, in violation of the laws of the State in which such land or waters are situated.

Regulation G-30 authorizes all forest officers to enforce the above regulation and also to cooperate with State or Territorial officials in the enforcement of local laws for the protection of birds, fish, and game.

PROVISIONS OF THE TARIFF ACT REGULATING IMPORTATION OF PLUMAGE, GAME, ETC.

ACT OF SEPTEMBER 21, 1922

[42 Stat. 915]

PAR. 1419. Feathers and downs, on the skin or otherwise, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for, 20 per centum ad valorem; dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down; artificial ornamental feathers suitable for use as millinery ornaments, artificial or ornamental fruits, vegetables, grains, leaves, flowers, and stems or parts thereof, of whatever material composed, not specially provided for, 60 per centum ad valorem; natural leaves, plants, shrubs, herbs, trees, and parts thereof, chemically treated, colored, dyed or painted, not specially provided for, 60 per centum ad valorem; boas, boutonnieres, wreaths, and all articles not specially provided for, composed wholly or in chief value of any of the feathers, flowers, leaves, or other material herein mentioned, 60 per centum ad valorem: *Provided*, That the importation of birds of paradise, aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind: *Provided further*, That birds of paradise, and the feathers, quills, heads, wings, tails, skins, or parts thereof, and all aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, of like kind to those the importation of which is prohibited by the foregoing provisions of this paragraph, which may be found in the United States, on and after the passage of this act, except as to such plumage or parts of birds in actual use for personal adornment, and except such plumage, birds, or parts thereof imported therein for scientific or educational purposes, shall be presumed for the purpose of seizure to have been imported unlawfully after October 3, 1913, and the collector of customs shall seize the same unless the possessor thereof shall establish, to the satisfaction of the collector, that the same were imported into the United States prior to October 3, 1913, or as to such plumage or parts of birds that they were plucked or derived in the United States from birds lawfully therein; and in case of seizure by the collector, he shall proceed as in case of forfeiture for violation of the custom laws, and the same shall be forfeited, unless the claimant shall, in any legal proceeding to enforce such forfeiture, other than a criminal prosecution, overcome the presumption of illegal importation and establish that the birds or article seized, of like kind to those mentioned the importation of which is prohibited as above, were imported into the United States prior to October 3, 1913, or were plucked in the United States from birds lawfully therein.

That whenever birds or plumage, the importation of which is prohibited by the foregoing provisions of this paragraph, are forfeited to the Government, the Secretary of the Treasury is hereby authorized to place the same with the departments or bureaus of the Federal or State Governments or societies or museums for exhibition or scientific or educational purposes, but not for sale or personal use; and in the event of such birds or plumage not being required or desired by either Federal or State Government or for educational purposes, they shall be destroyed.

That nothing in this act shall be construed to repeal the provisions of the act of March 4, 1913, chapter 145 (37 Statutes at Large, page 847), or the act of July 3, 1918 (40 Statutes at Large, page 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States. That if on investigation by the collector before seizure, or before trial for forfeiture, or if at such trial if such seizure has been made, it shall be made to appear to the collector, or the prosecuting officer of the Government, as the case may be, that no illegal importation of such feathers has been made, but that the possession, acquisition, or purchase of such feathers is or has been made in violation of the provisions of the act of March 4, 1913, chapter 145 (37 Statutes at Large, page 847) or the act of July 3, 1918 (40 Statutes at Large, page 755), or any other law of the United

States, now of force, intended for the protection or preservation of birds within the United States, it shall be the duty of the collector, or such prosecuting officer, as the case may be, to report the facts to the proper officials of the United States, or State or Territory charged with the duty of enforcing such laws.

Import duties and provisions are as follows:

PAR. 704. A duty of 4 cents per pound is imposed on reindeer meat, venison, and other game (except birds).

PAR. 711. The duty on live birds (except poultry) is 50 cents each on those valued at \$5 or less, and 20 per cent ad valorem on those valued at more than \$5. [By proclamation of October 3, 1925, the President reduced the duty on live bobwhite quail valued at \$5 each or less from 50 to 25 cents.]

PAR. 712. Dressed or undressed birds (except poultry) are dutiable at 8 cents per pound, but if prepared or preserved in any manner the duty is 35 per cent ad valorem. (Paragraph 1419 prohibits the importation of the plumage of wild birds, so that undressed game birds may only be brought in under a bond for the destruction of their plumage.)

PAR. 715. Live wild animals, 15 per cent ad valorem.

PAR. 1420. Silver or black fox skins, dressed or undressed, and manufactures thereof, 50 per cent ad valorem; other furs dressed on the skin not advanced further than dyeing, 25 per cent ad valorem.

PAR. 1507. Wild animals and birds intended for exhibition in zoological collections for scientific or educational purposes, and not for sale or profit, are admitted free.

PAR. 1569. The eggs of birds are prohibited from entry, except that eggs of game birds may be imported free under regulations of Secretary of Agriculture for propagating purposes; specimens may also be imported free for scientific collections.

PAR. 1579. Raw furs and fur skins (except silver or black fox skins), undressed, are admitted free.

PAR. 1668. Natural history specimens (including wild birds and mammals) may be imported free for scientific public collections, but not for sale.

EXTRACTS FROM ACTS PASSED BY THE ALASKA TERRITORIAL LEGISLATURE RELATING TO FUR AND GAME

WANTON DESTRUCTION AND WASTE OF GAME

[Chap. 62. Approved April 29, 1915]

SEC. 1. From and after the passage of this act, any person killing a deer or other wild food animal within the Territory of Alaska, with intent to wantonly destroy said animal and without making every effort to have such animal utilized for food, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding six months.

SEC. 2. Any person who shall have knowledge of any violation of this act and who shall fail to report the same to the authorities shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or imprisonment not exceeding three months.

TRANSFER AND PROTECTION OF DEER AND GOATS

[Chap. 79. Approved May 3, 1923]

SEC. 1. The Governor of Alaska is hereby authorized and it shall be his duty to cause deer to be procured from the islands of southeastern Alaska, which shall be transported to the islands of Prince William Sound, Kenai Peninsula, and adjacent waters; it shall also be his duty to cause goats to be procured from any part of Alaska where the same can be procured advantageously and cause the same to be transported to Chichagof and Baranof Islands for the purpose of propagation and food supply.

SEC. 3. The deer or goats transported or propagated under the provisions of this act shall be the property of the Territory of Alaska, and it shall be un-

lawful for any person to kill or molest the same at any time within five years⁶ after the passage of this act.

Any persons violating any of the provisions of this section shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the Federal jail for a term of not less than three months nor more than one year.

STOCKING PROGRAM AND PROTECTION OF ANIMALS TRANSFERRED

[Chap. 51. Approved April 29, 1925, as amended by Chap 32, approved May 2, 1927]

SEC. 1. There is hereby adopted a program of stocking lands in the Territory of Alaska with valuable game and fur-bearing animals which do not at present occur on such lands, which program shall be divided into the following projects:

1. Roosevelt Elk to Kenai Peninsula, Hinchinbrook and Kruzof Islands, and the Kodiak-Afognak Island Group.
2. Muskrats to Kodiak-Afognak group.
3. Beaver to Baranof and Chichagof Islands.
4. Beaver to Afognak and northeast portion of Kodiak Island.
5. Deer to Kodiak-Afognak Island group.
6. Mink to Kodiak-Afognak Island group.
7. Marten to Prince of Wales Island group, and to Zarembo Island.
8. Marten to Prince William Sound Islands.
9. Beaver to Yakutat Coastal Plain Region, including Lituya Bay.
10. Marten to Afognak and northeast portion of Kodiak Island.
11. Muskrats to portions of Southeastern Alaska.
12. Beaver to the Chilkat Valley.
13. Varying Hares to Southeastern Alaska.
14. Moose to Kodiak-Afognak Island group.
15. Beaver to Zarembo Island.
16. Varying Hares to the Kodiak-Afognak Island group.
17. Marten to Baranof and Chichagof Islands.
18. Red Squirrels to Zarembo, Admiralty, Baranof and Chichagof Islands, and to the Prince of Wales Island group, including the Sitka Park.
19. Red Squirrels to Afognak and northeast portion of Kodiak Islands.
20. Varying Hares to Prince William Sound Islands.
21. Mountain Goats to Prince William Sound Islands.
22. Mountain Goats to Southeastern Alaska Islands.
23. Elk and Deer from Interior North America to the Tanana Valley.
24. Mountain Sheep to Seward Peninsula.
25. Buffalo to Interior Alaska.

SEC. 4. The game and fur-bearing animals introduced and liberated under the provisions of this act shall be the property of the Territory of Alaska and it shall be unlawful for any person to take or to attempt to take, capture, kill, possess, or transport the same or their offspring at any time within five years after the passage and approval of this act. And any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than five hundred (\$500.00) dollars, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment in the discretion of the court.

BLUE-FOX MARKING

[Chap. 67. Approved May 1, 1923]

SEC. 1. Every person engaged in the business of breeding blue foxes in Alaska shall be the owner of a duly registered brand or mark of identification for marking blue foxes and skins of blue foxes as hereinafter provided.

SEC. 4. Every breeder of blue foxes shall, before disposing of any blue-fox skins and before the same are removed from the breeding ground or fox farm, mark such skin on the inside of back at base of tail with a perforating reproduction of his brand which shall be readily visible.

⁶ Protection extended by regulation 14.

Any person violating the provisions of sections 1, 2, 3, and 4 shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred (\$500.00) dollars or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court.

SEC. 5. No person shall possess, buy, sell, offer to buy or sell, give or receive, or transport any unbranded or untagged blue-fox skin other than a fur farmer on his own fur farm, except as herein provided.

All unmanufactured blue fox skins legally held in Alaska prior to the passage of this act shall, before October 1, 1923, be exhibited to the United States commissioner in the precinct in which such skins are held, together with an affidavit showing where such skins were raised or from whom and at what time the owner obtained the same, and such other facts as will show the possessor's legal ownership of said skins. Such skins shall then be tagged for identification by the commissioner in such manner and pursuant to such rules as shall be provided by the Secretary of the Territory. The commissioner shall file such affidavits and keep in his office such records of such skins and their owners.

Unmanufactured blue fox skins hereafter legally imported or brought into the Territory shall, at the time of entering the Territory, be presented to the United States commissioner of that precinct, and shall be tagged in like manner to those legally held prior to the passage of this act. Any unmanufactured blue-fox skin hereafter legally acquired in the Territory other than skins raised on farms having a registered brand and branded with such brand, shall likewise on the first occasion when such skins are brought to a place where a United States commissioner resides, or has his office, be presented to such United States commissioner with an affidavit showing the facts proving legal possession, and shall be tagged in a like manner. For such services the commissioner shall receive a fee of one dollar and fifty cents (\$1.50) for each skin, which fee shall be paid by the owner of the skins: *Provided, however,* That nothing herein contained shall prevent the legal taking of wild foxes, and the barter or sale thereof untagged if such barter or sale be made before said skins be brought to any place where a United States commissioner resides or has an office.

Any person violating the provisions of section 5 of this act shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than five hundred (\$500.00) dollars or be imprisoned for not more than six months, or both, in the discretion of the court; it being provided that each skin or pelt manufactured or unmanufactured shall constitute a separate offense.

SEC. 6. Subsequent to the first day of October, 1923, every blue fox skin not marked as directed in sections 4 and 5 of this act and not in possession of a fox farmer on his own fox farm shall be presumed to have been unlawfully obtained, unless the contrary can be shown, and, if the court shall adjudge the possession of any skins to have been unlawfully obtained, the same shall be forfeited to the Territory of Alaska or disposed of as hereinafter provided.

SEC. 7. No person not a bona fide fox farmer and the owner of a duly registered brand mark shall mark or brand any skin or pelt, or animal so as to resemble, imitate, or counterfeit any registered brand or the system adopted in the Territory for branding such animals or skins.

No holder of a registered brand shall mark any skin or animal with such brand other than animals or skins raised by him or legally acquired.

Any person violating any provisions of this section shall be guilty of a felony, and upon conviction shall be punished by a fine of not more than two thousand (\$2,000.00) dollars, or by imprisonment for not more than three (3) years, or by both such fine and imprisonment in the discretion of the court.

SEC. 8. Any person who shall alter, add to, or efface any mark of identification upon any animals or upon the pelt or skin of any animal for the purpose of concealing the identity of the owner of such animal, pelt or skin, or for the purpose of otherwise deceiving or defrauding, shall be guilty of a felony, and upon conviction shall be punished by a fine of not more than two thousand (\$2,000.00) dollars or by imprisonment for not more than three (3) years, or by both such fine and imprisonment in the discretion of the court.

SEC. 11. No person other than a blue fox farmer having a registered brand shall possess a branding implement of a type which may be used to imitate the brands herein provided for, and possession of such an instrument shall be prima facie evidence of intent to violate the provisions of this act.

No person other than an authorized officer shall remove any raw skin (,) tag, and any skins without such tag or brand shall be forfeited to the Territory, and the burden of proof of legal possession thereof shall rest on the claimant.

All persons dealing in, possessing or transporting fur pelts in Alaska shall, at any time during usual business hours, afford duly authorized Federal and Territorial officers for the protection of fur and game, United States marshals and deputy United States marshals, and Territorial tax collectors or other representatives of the Territorial treasurer or Department of Justice, full and fair opportunity to inspect any and all pelts, furs and skins in their possession, under due process of law.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand (\$1,000.00) dollars or by imprisonment for not more than six (6) months, or by both such fine and imprisonment in the discretion of the court.

SEC. 12. It shall be unlawful for any person, other than an officer on lawful business, to land or enter upon any island lawfully used for fur farming without the permission of the lawful occupant or the person using said island as a fur farm. When such landing or entrance is made at any other place than within sight of said fur farmer's dwelling house and at a place established by him for landing purposes, such landing or entrance shall be presumed to be without the permission required by this section. Nothing herein contained shall be construed as limiting any rights specifically reserved in the lease, contract, or permit under which any fur farm or island is occupied, nor any right conferred by Federal law or regulation: *Provided, further, That a landing made on any island by stress of circumstances, storm or accident shall not be deemed unlawful.*

Every person occupying an island or land for the purpose of propagating blue foxes shall within three months after the passage of this act place signs within sight of each other, bearing the words in black letters at least six inches high, on white background: "Fox Farm—No Trespassing" in conspicuous places upon said island or land.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand (\$1,000.00) dollars or by an imprisonment in jail for not more than six (6) months, or by both fine and imprisonment in the discretion of the court.

SEC. 13. Any person other than the fur farmer himself or his duly authorized agent, who shall take or attempt to take, capture, or kill any animals of any kind on any fur farm, or who shall set any trap on such fur farm, or place poison thereon, or who shall fire or discharge any gun thereon, or shall shoot at any birds or animals upon such farm, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand (\$1,000.00) dollars, or imprisonment in jail for not more than six (6) months, or by both such fine and imprisonment in the discretion of the court.

SEC. 14. All traps, guns, boats, or other paraphernalia used in violation of this act shall be forfeited to the Territory of Alaska, and all such property as well as all pelts or skins forfeited to the Territory under the provisions of this act, unless ownership be proved by owner, shall be liable to seizure by any Federal or Territorial game or fur warden, or any marshal or deputy marshal, or Territorial tax collector, and when so seized shall be delivered into the possession of the treasurer of the Territory or to some one designated by said treasurer for such purposes, and shall by the treasurer or under his direction be sold at public auction and the proceeds covered into the treasury of the Territory after all expenses of seizure and sale have been paid.

For the purpose of carrying out the provisions of this section, the treasurer is authorized to execute all necessary instruments and conveyances for the purpose of conveying title to such property so seized and sold. The forfeitures provided by this section shall be adjudged and declared only in and by the district court for the Territory of Alaska.

SEC. 16. Definitions:

The word "person" as used in this act shall apply to individuals, firms, corporations, and associations.

"Unmanufactured fur" shall mean a raw fur in the common usage of the term; one which has not been tanned, or otherwise treated, lined or changed from the usual condition in which furs are obtained from trappers.